



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/239,671	01/29/99	TOOHEY	W SAIC0001

GEORGE T MARCOU  
KILPATRICK STOCKTON  
SUITE 800  
700 - 13TH STREET N W  
WASHINGTON DC 20005

MMC1/0621

EXAMINER
----------

ST.D

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 06/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/239,671**

Applicant(s)

**Toohy**

Examiner

**Daniel St.Cyr**

Group Art Unit  
**2876**



☒ Responsive to communication(s) filed on Jan 29, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2876

## DETAILED ACTION

### *Claim Objections*

1. Claim 12 is objected to because of the following informalities: line 2 "it" should be changed to --the transaction--. Appropriate correction is required.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-10, 21, and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz, US Patent No. 5,920,338.

Katz discloses an asynchronous video event and transaction data multiplexing technique for surveillance system comprising: a video camera 16 or a plurality of cameras 100, 102, 104, for capturing video images of a transaction; an input device 20 for collecting data associated with the transaction; a database management system 14 for organizing the video images and data associated with the transaction (see figures 1-2; col. 4, line 36+).

Re claims 2-4, the data associated with the transaction includes time data, date data, and monetary data (see col. 8, lines 59-68 and col. 10, line 11).

Art Unit: 2876

Re claim 5, wherein the video images are captured based upon a signal that is produced in response to the input device collecting data (see figure 7; claim 1).

Re claim 6, wherein the images are captured based upon a clock time signal (see col. 6, lines 18-36).

Re claim 7, a terminal for allowing an operator to input queries into the database and received the image and data associated with the transaction in response to the queries ( see col. 6, line 60 to col. 7, line 39).

Re claims 8-10, the transaction is a toll collection (financial collection) and /or grocery purchasing (retail) (see col. 7, lines 21-26).

Re claims 21, 24-26, the limitations have been met above.

***Claim Rejections - 35 U.S.C. § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-20, 22-23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz. The teachings of Katz have been discussed above.

Re claims 11, 22-23, and 27, Katz fails to disclose or fairly suggests that video signals are captured based upon a bar code reader reading a bare code label wherein the bar code reader includes an emitter for generating a beam of light and a detector for detecting the beam of light

Art Unit: 2876

wherein the camera is activated when an item breaks the beam of light. However, Official notice is taken that bar code readers having emitters for generating beams of lights and detectors for detecting the beams of lights are notoriously old and well known in the art for processing retail items at POS terminals. Therefore, it would have been obvious to employ a bar code reader at the POS terminal of Katz wherein the items would be labeled with bar codes for providing rapid and reliable data entries during video processing wherein the camera would activate when an item breaks the beam of light (when an item is scanned).

Re claims 12-20, Katz fails to disclose or fairly suggest using a portion of the data as a key for retrieving the image correlated data. However, Official notice is taken that this is old and well known in the art that relational databases use a portion of the data as a key (a primary key or an index) for retrieving the stored data. Furthermore, relational databases are known to provide greater storage space. Therefore, it would have been obvious to utilize a relational database for storing the data of Katz wherein a portion of the data would be used as a key for retrieving the data.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clever, US Patent No. 4,145,715, discloses a surveillance system. Coutta et al, US Patent No. 4,337,482, discloses a surveillance system. Cotton et al, US Patent No. 4,630,110, disclose a surveillance system. Katz, US Patent No. 5,216,502, discloses a surveillance system for automatically recording transaction. Katz, US Patent No. 5,920,338, disclose an

Art Unit: 2876

asynchronous video event and transaction data multiplexing technique for surveillance system. Ando et al, US Patent No. 6,042,008, disclose a toll collection system of toll road and in-vehicle unit for the same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel St.Cyr** whose telephone number is (703) 305-2656. The examiner can normally be reached between the hours of 7:30 AM to 6:00 PM Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Donald Hajec**, can be reached on (703) 308-4075. The fax phone number for this Group is (703)308-5841 or (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**donald.hajec@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Application/Control Number: 09/239,671

Page 6

Art Unit: 2876

June 15, 2000

DS



**THIEN M. LE  
PRIMARY EXAMINER**